



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/789,143

02/27/2004

Jeffrey A. Tilton

25363A

9278

22889

7590

04/05/2010

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

PIZIALI, ANDREW T

ART UNIT

PAPER NUMBER

1786

NOTIFICATION DATE

DELIVERY MODE

04/05/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USIPDEPT@owenscorning.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10789143	2/27/04	TILTON ET AL.	25363A

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

Andrew T. Piziali

ART UNIT	PAPER
----------	-------

1794	20100323
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

All of the appeal briefs (11/11/2008, 2/24/2009, 7/23/2009, 11/20/2009, and 1/25/2010) submitted by the applicant fail to include the following grounds of rejection within the "Grounds of Rejection to be Reviewed on Appeal" section or within the "Argument" section of the appeal brief:

- 1) Claims 6-8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield, in view of USPN 6,022,818 to Welchel as applied to claims 1-5, 9-15, 19-22 and 24-27 above, and further in view of USPN 4,813,948 to Insley.
- 2) Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield, in view of USPN 6,022,818 to Welchel as applied to claims 1-5, 9-15, 19-22 and 24-27 above, and further in view of any one of USPN 6,548,431 to Bansal or USPN 4,508,113 to Malaney.
- 3) Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel as applied to claims 1-5, 11, 12, 25 and 26 above, and further in view of USPN 4,813,948 to Insley.
- 4) Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel as applied to claims 1-5, 11, 12, 25 and 26 above, and further in view of USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield.
- 5) Claims 6-8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel in view of anyone of USPN 5,958,186 to Holm, USPN 6,692,606 to Cederblad, or USPN 6,761,710 to D'Acchioli as applied to claims 1-5, 11-15, 21, 22 and 25-27 above, and further in view of USPN 4,813,948 to Insley.
- 6) Claims 9, 10, 19, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel in view of anyone of USPN 5,958,186 to Holm, USPN 6,692,606 to Cederblad, or USPN 6,761,710 to D'Acchioli as applied to claims 1-5, 11-15, 21, 22 and 25-27 above, and further in view of USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield.
- 7) Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel in view of anyone of USPN 5,958,186 to Holm, USPN 6,692,606 to Cederblad, or USPN 6,761,710 to D'Acchioli as applied to claims 1-5, 11-15, 21, 22 and 25-27 above, and further in view of any one of USPN 6,548,431 to Bansal or USPN 4,508,113 to Malaney.

In each Notice of Non-Compliant Appeal Brief mailed (1/27/2009, 6/29/2009, 10/20/2009, and 1/5/2010) the applicant was

instructed to include the above grounds of rejection in the appeal brief, but each time the applicant declined. As a result, claims 6-10, 16-20, 23 and 24 are withdrawn from appeal. The withdrawal of the appeal as to claims 6-10, 16-20, 23 and 24 operates as an authorization to cancel these claims from the application. See MPEP § 1215.03. Accordingly, these claims are canceled.

No response is currently due by applicant. An Examiner's Answer will be mailed in due time.

/Andrew T Piziali/
Primary Examiner, Art Unit 1794